

CIVIL RIGHTS TRAINING HANDOUT

GOALS:

- To make Child Nutrition Program (CNP) benefits equally available to all;
- To notify participants and households that the CNP is a non-discriminatory federal program;
- To ensure staff know and comply with Civil Rights requirements and procedures, under both Federal and Iowa law.

Key Points for Discussion

1. Civil Rights Policy

The U.S. Department of Agriculture prohibits discrimination in CNP's on the basis of six protected classes: race, color, national origin, sex, age and disability (FNS Instruction 113-1). Iowa adopts all Federal protected classes and adds four additional classes: sexual orientation, gender identity, religion and creed.

2. Basic Civil Rights Requirements:

- **Equal Access and Service (USDA)** - In CNP's, no person shall, on the grounds of race, color, national origin, sex, age or disability, be denied the benefits of the CNP or otherwise be subjected to discrimination.
- **Equal Access and Service (Iowa)**- No Iowa CNP shall discriminate on the basis of race, creed, color, sex, national origin, sexual orientation, gender identity, disability, or religion in its programs, activities, or employment practices.
- **Reasonable Accommodations for Persons with Disabilities**- Program information in alternative formats for persons with disabilities must be made available. Reasonable efforts must be made to allow meaningful access to person with disabilities to the CNP services.
- **Requirements for Language Assistance**- Participating entities have a responsibility to take reasonable steps to ensure meaningful access to their programs and activities by person with limited English proficiency (LEP), sight impairments, and hearing impairments.

3. Public Notification

- a. **Basic Elements**- CNPs must include a public notification system. The purpose of this system is to inform applicants, participants, and potentially eligible persons of their Program rights and responsibilities and the steps necessary for participation.
 - i. **Program Availability**- Each participating entity must take specific action to inform applicants, participants, and potentially eligible person of the Program rights and responsibilities and the step necessary for participation.
 - ii. **Complaint Information**- Applicants and participants must be advised at the service point of their right to file a complaint, how to file a complaint, and the complaint procedures. Complaint procedures must describe the processes to make a complaint under both USDA and Iowa rules and laws.
 - iii. **Nondiscrimination statement**- All materials and sources, including websites, used by the participating entity to inform the public about the CNP must contain both the Federal and the Iowa nondiscrimination statements.
 - (1) Participating CNP agencies must include the following Federal nondiscrimination statement to comply with USDA regulations:
*"In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the USDA, its Agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, sex, disability, age, or reprisal or retaliation for prior civil rights activity in any program or activity conducted or funded by USDA.
 Persons with disabilities who require alternative means of communication for program information (e.g. Braille, large print, audiotape, American Sign Language, etc.), should contact the Agency (State or local) where they applied for benefits. Individuals who are deaf, hard of hearing or have speech disabilities may contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information may be made available in languages other than English.*
To file a program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, (AD-3027) found online at: http://www.ascr.usda.gov/complaint_filing_cust.html, and at any USDA office, or write a

letter addressed to USDA and provide in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by:

(1) Mail: U.S. Department of Agriculture

Office of the Assistant Secretary for Civil Rights

1400 Independence Avenue, SW

Washington, D.C. 20250-9410;

(2) Fax: (202) 690-7442; or

(3) Email: program.intake@usda.gov.

This institution is an equal opportunity provider and employer."

(2) If the material is too small to permit the full statement or less than one page in length, the materials will at a minimum include the following statement, in print size no smaller than the text:

"This institution is an equal opportunity provider".

(3) Participating CNP agencies must include the following nondiscrimination statement to comply with Iowa law:

"It is the policy of this CNP provider not to discriminate on the basis of race, creed, color, sex, sexual orientation, gender identity, national origin, disability, age, or religion in its programs, activities, or employment practices as required by the Iowa Code section 216.6, 216.7, and 216.9. If you have questions or grievances related to compliance with this policy by this CNP Provider, please contact the Iowa Civil Rights Commission, Grimes State Office building, 400 E. 14th St. Des Moines, IA 50319-1004; phone number 515-281-4121, 800-457-4416; website: <https://icrc.iowa.gov/>."

- b. **Methods of Notification-** Each participating entity must take the following actions to inform the general public, potentially eligible populations, community leaders, grassroots organizations, and referral sources about the CNP and applicable Civil Rights requirements.
- i. Prominently display the USDA "And Justice for All" poster in a location visible to all participants.
 - ii. Inform potentially eligible persons, applicants, participants, and grassroots organizations of programs or changes in programs.
 - iii. Ensure that a media release has been provided annually to local media outlets.
 - iv. Include the required USDA and Iowa nondiscrimination statement on all appropriate entity publications that make reference to the CNP or admissions (e.g. parent handbook, letters, information materials provided to the public, etc.)
 - v. Convey the message of equal opportunity in all photographs and other graphics that are used to provide program or program-related information.

4. Data Collection and Reporting

- Each participating entity is required by USDA to obtain data by ethnic category and race on potentially eligible populations, applicants, and participants in their Program service area. Program applicants/participants may not be required to furnish information on their race and ethnicity.
- Self-identification is the preferred method of obtaining data for enrolled participants. Program applicants and participants should be encouraged to provide the information by explaining that the collection is a statistical reporting requirement and it has no effect on participants' identification of his or her race and ethnicity will be made and recorded on the enrollment/application form.
- If the applicant declines to self-identify, the applicant should be informed that a visual identification of his or her race and ethnicity will be made and recorded on the enrollment/application form.
- The data collector may not "second guess" or in any other way change or challenge a self-declaration made by the applicant about his or her race and ethnic background unless such self-declarations are patently false.
- The Racial/Ethnic Distribution Form is required to be completed, maintained and updated as needed. The form must be kept on file.
- Such data must be collected for each district and must be maintained on file for three years, plus the current year, maintained under safeguards that restrict access of records only to authorized personnel and treated as confidential.

5. Reasonable Accommodations

All organizations receiving Federal financial assistance must take "reasonable steps" to ensure meaningful access to their programs by participating adults with disabilities, accommodations for life-threatening allergies or other conditions, and accommodations for persons with limited English proficiency (LEP).

a. Individuals with Physical Disabilities

- i. Accommodations for children or adults with physical disabilities include accessibility to the cafeteria as well as access to the same meal choices as other students and the ability to be seated with other students. Examples include entrances and exits wide enough for a wheelchair, tables that accommodate a wheelchair, and accommodations so the child can access the serving line. Other examples include program aides that can help with feeding and adaptive tableware.

b. Food Substitutions/Modifications

- i. When an individual has a life-threatening food allergy or medical condition requiring a special diet and the appropriate signed Diet Modification form is on file, this is considered a disability. Food substitutions must be made if the student cannot eat regularly offered foods. Modifications to food may be required for certain condition. An example is pureeing food for a student who is unable to swallow solid foods.

c. Limited English Proficiency

- i. When there are language barriers due to limited proficiency in English or because alternative means of communication are needed, a reasonable effort must be made to provide materials in formats that the target audiences can understand. This includes making information about program eligibility, benefits, services, and procedures for filing complaints in the appropriate translation to non-English speaking persons and using an interpreter if needed. Providing alternative means of communication such as Braille, large print, or audiotope available to the public, participants, and potential participants are other examples. USDA provides publications and program materials in several languages. These can be found on the web at <http://www.fns.usda.gov/documents-available-other-languages>

6. Equal Opportunity for Religious Organizations

- Faith-based and community based organizations have a long history of involvement with Federal nutrition assistance programs and a tradition of supporting low-income individuals by providing a wide range of social services. These organizations are important and longstanding partners in the Department of Agriculture's efforts to provide nutrition assistance to those in need.
- Faith-based and community-based organizations may participate in the CNP on equal footing with other kinds of local organizations.
- A religious organization may retain its independence and continue to carry out its mission, provided that direct USDA funds do not support any inherently religious activities such as worship, religious instruction, or proselytizing.
- Faith-based organizations may use space in their facilities to provide USDA-funded services without removing religious icons, scriptures, or other religious symbols.
- Faith-based organizations are not exempt from the requirements of Federal and Iowa law.

7. Compliance Reviews

a. State Agency Reviews

- The State Agency must determine that all institutions appear to be in compliance with USDA Civil Rights requirements prior to approval for participation in the CNP and prior to application renewal.
- All State Agency CNP monitoring reviews include a review of on-going USDA Civil Rights compliance at the institution.

b. USDA Monitoring Requirements

- Participating entities must review their sites for USDA Civil Rights compliance when they conduct monitoring reviews.
- A compliance self-assessment is located on form download, in the Civil Rights manual, and on the DE Website. Participating entities may use this form.
- If apparent non-compliance is identified on a review, the monitor must document the areas of perceived or non-compliance and develop a corrective action plan.
- On subsequent reviews, the monitor must document follow-up to show corrective actions were implemented and maintained.

8. Resolution of Non-Compliance

1. If perceived non-compliance of USDA or Iowa Civil Rights rules is indicated on a State Agency review, corrective action must be taken immediately to achieve voluntary compliance within 60 days. If voluntary compliance is not achieved, the USDA Regional Office will be notified.

9. Procedures for Handling Complaints and Conflict Resolution

- a. USDA: A verbal or written complaint alleging discrimination on the basis of the 6 federally protected classes must be filed within 180 days of the event.
 - If a participating entity receives a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint.
 - Complaints should be submitted using the USDA Complaint Form.
- b. Iowa: A verbal or written complaint alleging discrimination on the basis of the 6 federally protected classes /and or the 4 additional Iowa protected classes must be filed within 300 days of the event.
 - If a participating entity receives a complaint of discrimination, the person alleging the complaint must be provided with the nondiscrimination statement and procedures for filing a complaint.
 - Complaints should be submitted using the USDA Complaint Form.
 - Complaints filed with the Iowa Civil Rights Commission may NOT be anonymous.
- c. Forwarding Complaints- There are two methods for processing complaints.
 1. The complainants can directly contact USDA or the Iowa Civil Rights Commission with complaints by completing the corresponding complaint form, either verbally or in writing (The institution or complainant bypasses the State agency).
 2. The complainant submits the verbal or written complainant with the institution. The USDA complaint form should be completed by the complainant or institution. The complaint form should be forwarded to the State of Iowa, Bureau of Nutrition and Health Services, Bureau Chief. The Bureau Chief will contact the complainant and institution, as well as forwarding the complaint to USDA Mountain Plains Regional office. The institution shall work with the complainant to try to resolve the issue at the local level as quickly as possible.
 If the complaint is resolved the institution must notify the Bureau of Nutrition and Health Service, Bureau Chief. The Bureau Chief will forward the resolution information to the USDA Mountain Plains Regional Office in Denver, CO.
 Conflict resolution needs to be employed if conflicts are unresolved. The institution is instructed to contact the State of Iowa, Bureau of Nutrition Services, Bureau Chief for solutions involving a neutral third party.

10. Customer Service

- Good customer service will help to reduce or eliminate complaints of discrimination.
- All participants must be treated in the same manner.
- All participants within each grade group must receive or be offered the same serving sizes and menu items.
- Participants with special needs will have their needs addressed based on the instructions from a licensed medical authority and/or IEP.
- All participants must be included in meals, snacks, activities, and discussions.
- All participants must be treated with courtesy and respect.

11. Civil Rights Training

- All CNP institutions are responsible for ANNUAL training all employees, volunteers, substitutes with CNP responsibilities.
- All training must be documented with attendee sign in signatures, training documents, trainer name, and date of completion. A sample training documentation template is located in the Civil Rights manual, and on the DE Website.
- Required topics include:
 - a. Collection and use of data
 - b. Effective public notifications
 - c. Compliance review techniques
 - d. Requirements for reasonable accommodations and meaningful access for Persons with Disabilities
 - e. Requirements for reasonable accommodations and meaningful access for Language Assistance
 - f. Resolution of Noncompliance
 - g. Conflict Resolution
 - h. Customer Service
 - i. Complaint Procedures